

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

XPOINT TECHNOLOGIES, INC.,

Plaintiff,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

Civil Action No. 09-CV-0628 (SLR)

STIPULATION AND [PROPOSED] ORDER OF VOLUNTARY DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41, Plaintiff Xpoint Technologies, Inc. (“Xpoint”) and Defendant Cypress Semiconductor Corporation (“Cypress”) hereby stipulate and agree, subject to the order of the Court, that Xpoint’s claims for relief against Cypress and Cypress’s counterclaims for relief against Xpoint are hereby dismissed with prejudice, with all attorneys’ fees, costs of court and expenses borne by the party incurring same.

BOUCHARD MARGULES
& FRIEDLANDER, P.A.

/s/ Jeffrey M. Gorris
David J. Margules (#2254)
Sean M. Brennecke (#4686)
Jeffrey M. Gorris (#5012)
222 Delaware Ave., Suite 1400
Wilmington, DE 19801
Phone: (302) 573-3500
Fax: (302) 573-3501
dmargules@bmf-law.com
sbrennecke@bmf-law.com
jgorris@bmf-law.com

BERNSTEIN LITOWITZ BERGER

& GROSSMANN LLP

Chad Johnson (admitted *pro hac vice*)
Joshua L. Raskin (admitted *pro hac vice*)
Jai Chandrasekhar (admitted *pro hac vice*)
Sean O'Dowd (admitted *pro hac vice*)
1285 Avenue of the Americas
New York, NY 10019
Phone: (212) 554-1400
Fax: (212) 554-1444

SUGHRUE MION, PLLC

William H. Mandir (admitted *pro hac vice*)
John F. Rabena (admitted *pro hac vice*)
Kelly G. Hyndman (admitted *pro hac vice*)
Brian K. Shelton (admitted *pro hac vice*)
Eric S. Barr (admitted *pro hac vice*)
2100 Pennsylvania Ave., N.W.
Washington, DC 20037
Phone: (202) 663-7959
Fax: (202) 293-7860

ATTORNEYS FOR XPOINT
TECHNOLOGIES, INC.

FISH & RICHARDSON P.C.

/s/ Thomas L. Halkowski
Thomas L. Halkowski (#4099)
222 Delaware Avenue, 17th Floor
P.O. Box 1114
Wilmington, DE 19899
(302) 652-5070
halkowski@fr.com

ATTORNEY FOR DEFENDANT
CYPRESS SEMICONDUCTOR
CORPORATION

DATE: _____, 2011
WILMINGTON, DE

SO ORDERED.

Hon. Sue L. Robinson, Judge
U.S. District Court for the District of
Delaware

August 4, 2011